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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,978	01/21/2005	Akiko Shinohara	1141/73755	6910
23432 7590 03/31/2009 COOPER & DUNHAM, LLP 30 Rockefeller Plaza 20th Floor NEW YORK, NY 10112				
EXAMINER LARYEA, LAWRENCE N				
ART UNIT		PAPER NUMBER		
3768				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/521,978

Applicant(s)

SHINOHARA ET AL.

Examiner

LAWRENCE N. LARYEA

Art Unit

3768

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12 January 2009 has been entered.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 1, lines 7-8 recite the limitation "the tomographic images".

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-11, **13 / (1-11)**, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by **Nakajima et al (Patent 5,761,334)**.
5. Re Claims 1-11, **13 / (1-11)** and 16: **Nakajima et al** teach a medical image diagnosis apparatus which images a subject by forming a whole image of a subject portion of a subject, displays imaging conditions on the image and allows an operator to set or modified the imaging conditions for obtaining a tomographic image of the subject portion under the imaging conditions, the medical image diagnosis apparatus comprising **(See Figs 13-19):**

a first display device (30) **(P)** capable of displaying the whole image and the imaging conditions including a frame **(P)** indicating a scan area and lines **(P)** indicating imaging position of the tomographic images and image reconstruction positions of the tomographic images **(See 2A, 5A, 17A-19, 24A);**

a second display device **(P2 or any of P...(n) configured with extraction means)** of extracting one or more of the imaging conditions including the frame and the lines and displaying the extracted condition; a display control device (operating device) **(inherently display control means, See Col.45 lines 21-35, Col. 47 lines 38-57, Col. 48 lines 25-60)** for the first display device and the second display device; and variably inputting the imaging conditions displayed in a display image frame on the second display device.

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Nakajima et al** as applied in **Claims 8-11** in view of **Matsui**.

8. **Nakajima et al** teaches the claimed invention see rejection supra, **Nakajima et al** does not teach the image diagnosis apparatus comprises a touch panel and the operating device comprises a pointer. (See **Figures 1(a-b), 3, 4(a-b), and 7(a-c) and Col. 19, Line 33-36**).

9. **Matsui** disclose a display apparatus comprises a touch panel and the operating device comprises a pointer. (See **Figures 1(a-b), 3, 4(a-b), and 7(a-c) and Col. 19, Line 33-36**).

It would have been obvious to one having ordinary skill in the art at the time invention was made to modify the imaging displaying apparatus of **Nakajima et al** wherein the medical image diagnosis apparatus comprises a touch panel and the operating device comprises a pointer of **Matsui** in order to display and receive information on the same screen wherein allowing the display to be used as input device. Also, the pointer assets a user to move it to any desire location on the screen (See **Figures 1(a-b), 3, 4(a-b) and 7(a-c)**).

Allowable Subject Matter

10. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Stein (US Patent 4,947,414) teach a Bone Densitometer including tilting or setting the scanner angle (rectangular) to form a parallelogram in order to obtain easy measurement of a bone such as neck or the femur (See Figs 2,2a,2b and Col. 3, lines 50-54).

Yanof (Patent 5,371,778) teach a concurrent display and adjustment of 3D Projection wherein visible faces were foreshortened (or extended) and transformed from rectangles to parallelograms by a sine or cosine value of an angle by which the viewing direction was changed. In this manner, each face of the prism was transformed into its projection along the viewing direction onto the viewing plane. This gives the faces the appearance of extending either parallel to the viewing plane or video or extending away from the at an oblique angle. Some routines added shading to the view to give further visual cues of depth (Col. 1, lines 50-61).

However, none of the prior art either alone or in combination of record teaches or suggests teach a medical image diagnosis apparatus wherein the operating device can form a parallelogram by tilting rectangular frame indicated in the first displayed and

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second display device and set the scanner angle in the imaging conditions as the tilt angle of the parallelogram in the first display and second display device in combination with the other claimed elements.

Response to Arguments

11. Claims 1-16 are now pending. The Examiner acknowledges the amendments to Claims 1 and 16.

12. Applicant's arguments with respect to the rejection(s) of claim(s) 1-16 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAWRENCE N. LARYEA whose telephone number is (571)272-9060. The examiner can normally be reached on 9:30 a.m.-5:30 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on 571-272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

LNL

/Eric F Winakur/
Primary Examiner, Art Unit 3768